

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CARLTON EWEL,	:	CIVIL ACTION
Petitioner	:	
	:	
v.	:	NO. 08-1703
	:	
DAVID DIGUGLIELMO, et al.,	:	
Respondents	:	

**O R D E R**

**STENGEL, J.**

AND NOW, this 11th day of December, 2008, upon consideration of the pleadings and record herein<sup>1</sup> and after review of the Report and Recommendation of Chief Magistrate Judge Thomas J. Rueter, along with Petitioner's Objection to the Report and Recommendation (Document #13) filed on October 10, 2008, as well as Respondents' Response to Petitioner's Objections (Document #18) filed on November 19, 2008, it is hereby **ORDERED** that:

- 1) Petitioner's objections to Magistrate Judge Rueter's Report and Recommendation are overruled;
- 2) the Report and Recommendation are **APPROVED** and **ADOPTED**;
- 3) the petition for a writ of habeas corpus is **DENIED**; and
- 4) there is no probable cause to issue a certificate of appealability.

BY THE COURT:

/s/ Lawrence F. Stengel  
LAWRENCE F. STENGEL, J.

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<sup>1</sup>I have undertaken a *de novo* review as required by 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b).

